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Attorneys for Defendant Walmart Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL D. REINER, M.D., A
PROFESSIONAL CORPORATION, a
Nevada, professional corporation

Plaintiff,

v.

CVS PHARMACY, INC., a Rhode Island
Corporation; WALMART INC., a
Delaware Corporation; SMITH'S FOOD &
DRUG CENTERS, INC., a Delaware
Corporation; DOES I through X, inclusive;
ROE BUSINESS ENTITIES I through X,
inclusive,

Defendants.

Case No.: 2:22-cv-00701-RFB-EJY

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME FOR
PARTIES TO FILE PROPOSED
DISCOVERY PLAN AND SCHEDULING
ORDER**

[FIRST REQUEST]

1 IT IS HEREBY STIPULATED by and between Plaintiff Michael D. Reiner, M.D., a
2 Professional Corporation ("Plaintiff"), through his counsel Hutchings Law Group, LLC, and
3 Defendants Walmart Inc. ("Walmart"), through its counsel Peterson Baker, PLLC and Jones Day;
4 Defendant CVS Pharmacy, Inc. ("CVS"), through its counsel Saltzman Mugan Dushoff and Foley
5 & Lardner, LLP; and Defendant Smith's Food & Drug Centers, Inc. ("Smith's"), through its counsel,
6 Cooper Levenson, P.A.; that the Parties, and each of them, shall have a 14-day extension up to and
7 including April 14, 2023, in which to file the proposed Discovery Plan and Scheduling Order
8 pursuant to LR 26-1.

9 This Stipulation is submitted and based upon the following:

10 1. At the hearing held on Friday, March 24, 2023 ("March 24 Hearing") [*see* ECF No.
11 60] on the motions to dismiss [ECF Nos. 20, 21 and 23] , the Court (1) granted the motions to
12 dismiss in part and denied the motions to dismiss in part; (2) lifted the stay of discovery entered
13 by Minute Order [ECF No. 50]; and (3) allowed Plaintiff to file an Amended Complaint on or
14 before April 7, 2023.

15 2. Additionally, at the March 24 Hearing, the Court ordered that the Discovery Plan
16 and Scheduling Order pursuant to LR 26-1 must be filed on or before March 31, 2023.

17 3. Counsel for the Parties have strived to schedule the required FRCP 26(f) conference
18 in advance of the due date for the proposed Discovery Plan and Scheduling Order, but due to
19 counsels' respective schedules, (including CVS counsel, who is traveling and unavailable the week
20 of April 3), the FRCP 26(f) conference cannot be held until the week of April 10, 2023.

21 4. Additionally, in order for the Parties to discuss meaningfully the discovery issues in
22 this case, and to address discovery issues that may arise from the filing of the as-yet unfiled
23 amended complaint, the Parties desire to extend the time to file the proposed Discovery Plan and
24 Scheduling Order pursuant to LR 26-1 to a date after the deadline for the Plaintiff to file the
25 Amended Complaint. The Parties reserve any and all rights in connection with the filing of the
26 Amended Complaint.

27 5. The Parties request the Court grant an extension of the deadline to file the proposed
28 Discovery Plan and Scheduling Order pursuant to LR 26-1 to April 21, 2023.

6. This is the first request for an extension of time for the Parties to file a proposed Discovery Plan and Scheduling Order.

7. This request is made in good faith and not for the purpose of delay.

Dated this 28th day of March, 2023.

Respectfully submitted,

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Inc.*

ORDER

IT IS SO ORDERED:


United States Magistrate Judge

Dated: March 28, 2023